

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DONNY SINKOV, as Administrator of the Estate of Docket No.: 07-CIV-2866  
Spencer E. Sinkov, deceased, DONNY A. SINKOV, and (CLB)  
HARA SINKOV,

Plaintiffs,

-against-

**DECLARATION OF  
ADAM I. KLEINBERG  
IN SUPPORT OF  
DEFENDANT SMITH'S  
MOTION FOR  
SUMMARY JUDGMENT**

DONALD B. SMITH, individually and in his official capacity as Sheriff of Putnam County, JOSPEH A. VASATURO, individually, LOUIS G. LAPOLLA, individually, THE COUNTY OF PUTNAM, New York, and AMERICOR, INC.,

Defendants.

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**ADAM I. KLEINBERG**, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms, under penalty of perjury, the following:

1. I am a member of the law firm Miranda Sokoloff Sambursky Slone Verveniotes LLP, attorneys for defendant DONALD B. SMITH in the above-captioned action. I submit this declaration in connection with the defendant's motion pursuant to Fed. R. Civ. P. 12 (c) and 56 seeking to dismiss the plaintiffs' complaint against him in its entirety.

2. The attached exhibits are relevant to the defendant's motion. Each exhibit is a true and accurate copy of what it purports to be.

Exhibit A Plaintiffs' Complaint dated April 9, 2007.

Exhibit B Answer on behalf of defendants Donald B. Smith, County of Putnam, Joseph A. Vasaturo, and Louis G. Lapolla, dated May 31, 2007.

Exhibit C Your Declarant's Notice of Appearance as incoming attorney on behalf of defendant

Donald B. Smith only, dated December 26, 2007.

- Exhibit D Answer on behalf of defendant Americor, Inc., dated June 1, 2007.
- Exhibit E Transcript of the February 13, 2008 deposition of Defendant Donald B. Smith.
- Exhibit F A copy of the January 7, 2008 deposition transcript of defendant Joseph Vasaturo.
- Exhibit G A copy of the January 7, 2008 deposition transcript of defendant Louis G. Lapolla.
- Exhibit H A blank PCCF Suicide Prevention Screening Form.
- Exhibit I A copy of Article 15 of the PCCF Red Book.
- Exhibit J Section VI of the Suicide Training Manual utilized by the PCCF.<sup>1</sup>
- Exhibit K A copy of the January 11, 2005 Final Report of the New York State Commission of Correction Report on the death of Norberto Rivera.
- Exhibit L September 28, 2004 memo from Undersheriff Peter H. Convery to Captain Robert LeFever
- Exhibit M October 4, 2004 memo from Captain Robert LeFever to Sheriff Donald Smith.
- Exhibit N A copy of the December 22, 2006 Final Report of the New York State Commission of Correction Report on the death of Spencer Sinkov.
- Exhibit O A blank copy of a State of New York Commission on Correction ADM 330 Form.
- Exhibit P A copy of the May 20, 2006 Medical Intake and Suicide Screening Form of Spencer Sinkov.
- Exhibit Q A March 2, 2005 letter from Sheriff Smith to Alan Croce, Chairman of the New York State Commission of Correction.
- Exhibit R October 2006 Revised Staffing Analysis for the Putnam County Jail.

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<sup>1</sup> The marked exhibit contains two training manuals, a basic program manual and a refresher manual.

- Exhibit S A copy of a January 20, 2005 letter from Sheriff Smith to Putnam County Executive Robert Bondi.
- Exhibit T A copy of a February 16, 2005 letter from Sheriff Smith to Putnam County Executive Robert Bondi including a proposed addendum to the County's contract with Americor, Inc.
- Exhibit U A copy of the January 16, 2008 deposition transcript of Corrections Officer Michael Oliver.
- Exhibit V A copy of the January 16, 2008 deposition transcript of Corrections Officer Robert Wendover.
- Exhibit W Copies of the felony complaints against Spencer Sinkov

Dated: Mineola, New York  
May 6, 2008



ADAM I. KLEINBERG (AIK-0468)